



FiberTower Corp.
Government & Regulatory Affairs
1730 Rhode Island Ave., NW
Suite 304
Washington DC 20036
Main: 202.223.9690
Fax: 202.223.9692

November 10, 2010

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

**RE: Notice of Oral *Ex Parte* Communication
ET Docket Nos. 04-186, 02-380**

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, we are electronically filing this Notice of *ex parte* communication.

On November 9, 2010, Joseph Sandri (FiberTower Corporation), Carri Bennet (Rural Telecommunications Group, Inc. ("RTG")), David Fritz (representing RTG), Richard Engelman (Sprint Nextel Corporation), JD Derderian (Stanton Park Group), Fred Campbell (Wireless Communications Association International), and Michele Farquhar (Hogan Lovells US LLP, counsel to Sprint Nextel and Special Counsel to FiberTower Corporation and RTG) met with Commissioner McDowell as well as Angela Giancarlo of Commissioner McDowell's office. During the meeting the parties highlighted the many benefits of authorizing limited fixed licensed use on portions of the TV White Spaces in rural areas to provide cost-effective backhaul solutions.

If you have any questions regarding this matter, please do not hesitate to contact the undersigned at 202.223.1028.

Respectfully Submitted,

/s/

Joseph M. Sandri
SVP, Government & Regulatory Affairs

PROPOSAL FOR LIMITED FIXED LICENSED POINT-TO-POINT USE OF THE TV WHITE SPACES FOR BACKHAUL TO RURAL AREAS

Summary: Approximately 15 to 45 or more TV channels lay fallow in rural areas, and many such channels will remain vacant in rural areas after any “repacking” of broadcast spectrum in Channels 31-51. The FCC initially should authorize limited fixed licensed point-to-point use of TV “White Spaces” for backhaul on vacant UHF TV Channels 14-20.

Limited use of vacant UHF TV Channels 14-20 (470-512 MHz) in rural areas: (1) will allow operators to use cost-effective off-the-shelf equipment already deployed for the Broadcast Auxiliary Service, (2) will facilitate any potential repacking of the broadcast spectrum bands, and (3) will not cause interference to any public safety or land mobile incumbents.

Expedited Action Needed: To stimulate broadband access in rural areas, the FCC should adopt this narrow proposal or permit case-by-case waivers on an expedited basis. Doing so will further the National Broadband Plan goals by enabling carriers to deploy far more cost-effective middle mile infrastructure in rural, unserved and underserved areas.

Benefits: Authorizing this use of vacant TV channels in rural areas would bring many public interest benefits (although it will not solve special access problems undermining competition):

- ***Increased Rural Broadband Deployment.*** Backhaul infrastructure must be built before consumers can benefit from innovative new unlicensed and licensed broadband networks and devices; this narrow proposal provides urgently needed, cost-effective “middle mile” backhaul in rural areas.
- ***Dramatically Lower Backhaul Costs in Rural Areas.*** The favorable propagation characteristics of the TV White Spaces, as well as the readily available small lightweight antennas for the band, would reduce the middle mile backhaul and transport costs by as much as 80-90% in rural areas.¹ This will reduce the need to rely so heavily on the Universal Service Fund (USF) for backhaul.
- ***Readily Available Fixed Link Equipment and Licensing Scheme.*** More than 300 fixed links are already licensed and installed in the TV Bands under the existing Part 74 Broadcast Auxiliary Service (“BAS”) rules; the longstanding use of these frequencies for BAS point-to-point links (some of which are 50-80 miles long or more) ensures the immediate, off-the-shelf availability of point-to-point equipment for backhaul use in TV Channels 14-20. The FCC could amend Part 101 or Part 74 to license non-broadcast fixed link users in the band.
- ***Numerous Vacant TV Channels Available in Rural Areas.*** TV White Spaces channels are widely available in rural unserved and underserved areas, with approximately 15 to 45 or more channels lying fallow in these areas. By contrast, very few additional links are available for backhaul even in rural areas in the heavily used and far more expensive 6 GHz band.
- ***Protection of Incumbents and New Unlicensed Users.*** The limited number of new licensed point-to-point systems could operate without causing harmful interference to incumbent users in the TV Bands, and licensed use allows far greater certainty and accountability to those incumbents than unlicensed use. Numerous vacant channels would remain for unlicensed users, and unlicensed devices could still operate subject to the normal protections afforded to any licensed backhaul users when operational.
- ***Broadcast Repacking Already Contemplated.*** This narrow proposal only provides for use on a limited number of vacant channels in rural areas, no matter how they are organized, and would not preclude or require waiting for implementation of any broadcast repacking or channel modification proposals.

¹ For example, a 75-mile or longer wireless backhaul link could be constructed at a cost of \$100,000-200,000 using two small lightweight antennas; covering the same distance using 3.65 GHz, 6 GHz, or higher-frequency spectrum would require up to four relay towers and a total of ten six-foot diameter dish antennas, costing \$3 million or more.



FiberTower Corp.
Government & Regulatory Affairs
1730 Rhode Island Ave., NW
Suite 304
Washington DC 20036
Main: 202.223.9690
Fax: 202.223.9692

November 10, 2010

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

**RE: Notice of Oral *Ex Parte* Communication
ET Docket Nos. 04-186, 02-380**

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, we are electronically filing this Notice of *ex parte* communication.

On November 9, 2010, Joseph Sandri (FiberTower Corporation), Carri Bennet (Rural Telecommunications Group, Inc. ("RTG")), David Fritz (representing RTG), Richard Engelman (Sprint Nextel Corporation), JD Derderian (Stanton Park Group), Fred Campbell (Wireless Communications Association International), and Michele Farquhar (Hogan Lovells US LLP, counsel to Sprint Nextel and Special Counsel to FiberTower Corporation and RTG) met with Commissioner McDowell as well as Angela Giancarlo of Commissioner McDowell's office. During the meeting the parties highlighted the many benefits of authorizing limited fixed licensed use on portions of the TV White Spaces in rural areas to provide cost-effective backhaul solutions.

If you have any questions regarding this matter, please do not hesitate to contact the undersigned at 202.223.1028.

Respectfully Submitted,

/s/

Joseph M. Sandri
SVP, Government & Regulatory Affairs

PROPOSAL FOR LIMITED FIXED LICENSED POINT-TO-POINT USE OF THE TV WHITE SPACES FOR BACKHAUL TO RURAL AREAS

Summary: Approximately 15 to 45 or more TV channels lay fallow in rural areas, and many such channels will remain vacant in rural areas after any “repacking” of broadcast spectrum in Channels 31-51. The FCC initially should authorize limited fixed licensed point-to-point use of TV “White Spaces” for backhaul on vacant UHF TV Channels 14-20.

Limited use of vacant UHF TV Channels 14-20 (470-512 MHz) in rural areas: (1) will allow operators to use cost-effective off-the-shelf equipment already deployed for the Broadcast Auxiliary Service, (2) will facilitate any potential repacking of the broadcast spectrum bands, and (3) will not cause interference to any public safety or land mobile incumbents.

Expedited Action Needed: To stimulate broadband access in rural areas, the FCC should adopt this narrow proposal or permit case-by-case waivers on an expedited basis. Doing so will further the National Broadband Plan goals by enabling carriers to deploy far more cost-effective middle mile infrastructure in rural, unserved and underserved areas.

Benefits: Authorizing this use of vacant TV channels in rural areas would bring many public interest benefits (although it will not solve special access problems undermining competition):

- ***Increased Rural Broadband Deployment.*** Backhaul infrastructure must be built before consumers can benefit from innovative new unlicensed and licensed broadband networks and devices; this narrow proposal provides urgently needed, cost-effective “middle mile” backhaul in rural areas.
- ***Dramatically Lower Backhaul Costs in Rural Areas.*** The favorable propagation characteristics of the TV White Spaces, as well as the readily available small lightweight antennas for the band, would reduce the middle mile backhaul and transport costs by as much as 80-90% in rural areas.¹ This will reduce the need to rely so heavily on the Universal Service Fund (USF) for backhaul.
- ***Readily Available Fixed Link Equipment and Licensing Scheme.*** More than 300 fixed links are already licensed and installed in the TV Bands under the existing Part 74 Broadcast Auxiliary Service (“BAS”) rules; the longstanding use of these frequencies for BAS point-to-point links (some of which are 50-80 miles long or more) ensures the immediate, off-the-shelf availability of point-to-point equipment for backhaul use in TV Channels 14-20. The FCC could amend Part 101 or Part 74 to license non-broadcast fixed link users in the band.
- ***Numerous Vacant TV Channels Available in Rural Areas.*** TV White Spaces channels are widely available in rural unserved and underserved areas, with approximately 15 to 45 or more channels lying fallow in these areas. By contrast, very few additional links are available for backhaul even in rural areas in the heavily used and far more expensive 6 GHz band.
- ***Protection of Incumbents and New Unlicensed Users.*** The limited number of new licensed point-to-point systems could operate without causing harmful interference to incumbent users in the TV Bands, and licensed use allows far greater certainty and accountability to those incumbents than unlicensed use. Numerous vacant channels would remain for unlicensed users, and unlicensed devices could still operate subject to the normal protections afforded to any licensed backhaul users when operational.
- ***Broadcast Repacking Already Contemplated.*** This narrow proposal only provides for use on a limited number of vacant channels in rural areas, no matter how they are organized, and would not preclude or require waiting for implementation of any broadcast repacking or channel modification proposals.

¹ For example, a 75-mile or longer wireless backhaul link could be constructed at a cost of \$100,000-200,000 using two small lightweight antennas; covering the same distance using 3.65 GHz, 6 GHz, or higher-frequency spectrum would require up to four relay towers and a total of ten six-foot diameter dish antennas, costing \$3 million or more.